

**10. 2006SP-183U-09**

The Westin Nashville Hotel & Condominiums

Map 093-06-4, Parcels 041, 042, 043, 045, 046, 047, 049, 050, 056, 057

Map 093-06-2, Parcels 097, 098, 099

Subarea 9 (1997)

Council District 6 - Mike Jameson

A request to change from CF to SP zoning property located at 203, 205, 207, 209, 215, 217, and 221 Broadway, 109, 110, 113, 116, and 119 2nd Avenue South, bounded by Broadway, 2nd Avenue South, and 3rd Avenue South, (1.16 acres), to permit a 450-room hotel with retail and restaurant uses, and 75 condominiums, requested by Gresham, Smith & Partners, applicant, for Mayesco, 119 Second Avenue LLC, Charles E. Tillman, Norma Tillman, Richard D. Piliponis, J. S. Higgins et al, owners,

**STAFF RECOMMENDATION: Disapprove**

**APPLICANT REQUEST - Preliminary SP**

A request to change from CF to SP zoning property located at 203, 205, 207, 209, 215, 217, and 221 Broadway, 109, 110, 113, 116, and 119 2nd Avenue South, bounded by Broadway, 2nd Avenue South, 3rd Avenue South, and the Shelby Street Bridge (1.23 acres), and lying within the MDHA Capital Hill Redevelopment District, to permit a 450 unit hotel and 75 condominiums with associated retail and restaurant uses.

**Existing Zoning**

CF district - Core Frame is intended to implement the central business district's land use policies for support services. The district is designed primarily for a diverse variety of business service functions along with retail trade and consumer service establishments and large parking structures that require locations in proximity to the central business district.

**Proposed Zoning**

SP district - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a base zoning district, not an overlay. It will be labeled on zoning maps as "SP."
- The SP District is not subject to the traditional zoning districts' development standards. Instead, urban design elements are determined for the specific development and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.
- The SP **must follow the goals and objectives of the General Plan.**

**SUBAREA 9 COMMUNITY PLAN POLICY**

Central Business District (CBD) -CBD policy is intended specifically for the heart of the downtown area and the surrounding area that contains supporting uses. The CBD constitutes the single largest Concentration of non-residential development in the city. Offices are the predominant type of development, also some retail, entertainment, community facilities, government services, and higher density residential.

Historic Value (p. 87-90)- Nashville's legacy of historic buildings are concentrated in Downtown and as the Subarea 9 plan states, these buildings are the image of Nashville and keep us from being, "Any City, USA." In the Subarea 9 Plan these buildings have been listed in 3 groups:

- Properties listed on the National Register of Historic Places

- Properties considered eligible to be listed on the National Register
- Properties that do not meet National Register criteria but are worthy of conservation because of their historic or architectural value in the subarea context.

All three of these categories denoting historic value in the subarea context are present on the development site. The properties on the corner (parcels 41 and 42) are in the National Register District and are proposed to be incorporated into the project. The other buildings are proposed for demolition.

Concept 2010: A General Plan for Nashville and Davidson County as restated in the Subarea 9 Plan (p. 20)

#### Goals and Objectives

4. Preserve and enhance the unique and historic features which make downtown distinct from other commercial areas.

- Encourage the preservation and reuse of architecturally or historically significant buildings.
- Promote new development which is compatible with and respectful of historic buildings.
- Provide the flexibility to make the use of historic buildings economically feasible while preserving their architectural integrity.

Capital Mall Redevelopment Plan(36) Tract 102 (Amendment No.4 Ord #097-755)

Intent: To provide adequate and suitable space in appropriate locations for high intensity residential uses mixed with a wide range of compatible non-residential uses. Living areas are integrated with working and shopping areas to encourage the reduction of travel needs and parking requirements. Strong pedestrian linkages are encouraged. The preservation of existing buildings that contribute the historical or architectural character of the district is also encouraged.

Principal Use: High intensity residential mixed use with compatible non-residential use, including office, retail shops, entertainment, restaurants, and other eating and drinking establishments, but not drive-in facilities; and personal services businesses such as barber or hairdressing shops, shoe repair, watch and jewelry repair, dry cleaning and pressing shops, etc.

#### Design Objectives:

Façade guidelines of the Market Design Study for Broadway will be the basis for design review on parcels in the Broadway National Register Historic District. New construction on Broadway will be compatible with the earlier buildings in materials, size, scale, height, proportion, orientation, color and texture. Contemporary design must be compatible with the character of the Broadway Historic District but any new structures should not imitate past architectural styles.

**Consistent with Policy?** -The CBD is more complex than to simply require an analysis of uses or to only examine the project in two dimensions. In terms of the uses proposed in this application, this project is consistent with the CBD policy defined simply above. The CBD is the core of our city and is probably the most fundamental element of our identity. The Downtown skyline is what is shown when Nashville is on the national news, and Downtown is visited by tourists from all over the world. This core should intensify over time, but some elements must remain intact to be recognizable as uniquely Nashville. Among these are Downtown's historically significant sites and areas, which range from individual landmarks such as the State Capitol to National Register Districts such as Second and Broadway. Developments that demolish or significantly alter the historic fabric and scale of Broadway are not in keeping with the goals of the Subarea 9 Plan, or the Concept 2010 General Plan, both of which seek to preserve the character and function of the critically important Lower Broadway corridor that adjoins this proposed project.

Lower Broadway, along with Second Avenue, forms the historical and cultural identity of Nashville at the local, regional, and even international levels. An important goal of plans for this area is the preservation and adaptive reuse of these historic buildings. They form a distinctive corridor that cannot be replicated and must retain its prized authentic qualities. The importance of this area to Nashville's identity and economy cannot be overemphasized. Lower Broadway's many historic low- to mid-rise buildings range in height from two to eight stories, a height range that should not be overwhelmed by development that adjoins the corridor.

**RECENT REZONINGS** -None.

**PLAN DETAILS** -This proposal includes all but 2 properties in the block encompassed by Broadway, 2nd Avenue South, 3rd Avenue South, and the Shelby Street Bridge. The plan includes a 450-unit hotel and 75 condominiums with associated retail and restaurant uses in a base with two towers. The retail and restaurant are intended to be oriented to the pedestrian activity of Broadway. The historic structures at the corner of Third Avenue and Broadway will be retained and are proposed for retail on the first floor and affordable housing above on the second floor. The hotel and luxury condominiums are proposed in the new construction.

Parking is provided at 1.5 stalls per luxury condominiums, 0.85 stalls per hotel room and no parking is being provided for affordable housing units.

**Reason for SP** -This application is requesting the SP district because they do not meet the requirements of the Zoning Ordinance in two respects:

1. The proposal is not consistent with the height plane requirement for the Third Avenue South Side. The allowable height is 65 feet at the property line, and then for every foot back from the property line, the height may rise an additional foot and a half.
2. The proposal is not consistent with the maximum Floor Area Ratio of 5.0 allowed in the Core Frame District. Floor Area Ratio is the total building floor area divided by the total horizontal area of the lot.

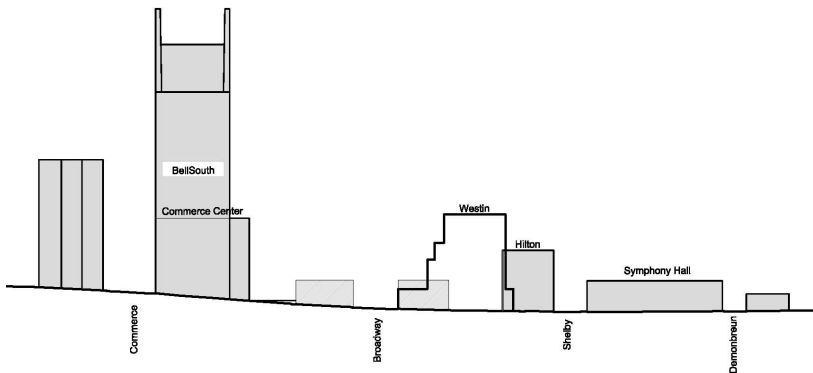
**Redevelopment District** -The properties along Broadway are located in the Metropolitan Development and Housing Agency Capital Mall Redevelopment District and the Broadway National Register Historic District. The MDHA Design Review Committee approved the schematic plans for this project on October 17, 2006.

Looking back at the design objectives listed below from the Capital Mall Redevelopment District Plan:

*Façade guidelines of the Market Design Study for Broadway will be the basis for design review on parcels in the Broadway National Register Historic District. New construction on Broadway will be compatible with the earlier buildings in materials, size, scale, height, proportion, orientation, color and texture. Contemporary design must be compatible with the character of the Broadway Historic District but any new structures should not imitate past architectural styles.*

**Massing** -The buildings on Broadway have historically been human-scaled, ranging from 2 to 5 stories. The Westin proposes a 3-story street frontage rising quickly to 13 and 19 story towers, which is unlike anything on the south side of Broadway. Currently, the tallest building is 75 feet. The Westin, in contrast, will rise to 200 feet (19 stories).

The Planning Commission staff has done a comparison with the Hilton Hotel to put this in perspective. The Hilton is located on the south side of Broadway in the block between Fourth and Fifth. The Hilton sits 225 feet from Broadway and is 125 feet tall at its highest point. The lower tower of The Westin will sit 64 feet from Broadway and rise to 144 feet; the higher tower, 200 feet tall, is 108 feet from Broadway.



North – South Section

Precedent for new construction adjacent to Broadway show:

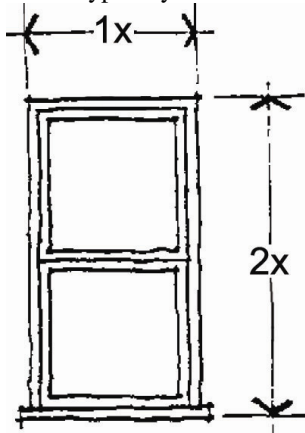
Building	Height	Distance from Broadway	Percentage (ht./dist.)
Bell South	617'	260'	237%
Bell South	617'	300'	206%
Commerce Center	175'	220'	78%
Hilton Hotel	125'	225'	56%

The submitted drawings for the Westin Hotel show:

Building	Height	Distance from Broadway	Percentage (ht./dist.)
Westin Hotel	45'	On Broadway	
Westin Hotel	144'	64'	225%
Westin Hotel	200'	108'	185%

**Proportion and Rhythm** -The architecture elements for the proposed Westin are not consistent with the existing architecture found along Lower Broadway. Compatible design for new structures and additions is important in historic districts such as Lower Broadway. New buildings within historic districts should reflect the architecture of their time. Therefore, new construction should not attempt to imitate or copy old architecture, however, new buildings should relate to the existing buildings on Lower Broadway in terms of height, mass, ratio of solids to voids and materials. The proposed Westin project is not consistent with the existing buildings found along Lower Broadway in terms of height, mass, ratio of solids to voids and materials. The materials used on the proposed Westin are not appropriate and are not similar to those used historically in the architecture of Lower Broadway and the materials do not convey a sense of scale similar to those seen in the Lower Broadway Historic District. The terra cotta wall material proposed for the Westin is not compatible with the Lower Broadway Historic District. Masonry is the traditional building material found in Lower Broadway with brick being the most common masonry used, although there are some examples of stone masonry along Broadway. Materials used on new construction should be similar in appearance, color, scale and texture to those used historically. The windows on the existing structures create a pattern and rhythm along Lower Broadway with the repetition of evenly-spaced, similarly-sized, upper story windows. These windows help give Lower Broadway a sense of human scale. Using window sizes and proportions that are familiar to the pedestrian helps them to relate to the overall size of a building. The alignment and similar scale of windows reflect a common historic pattern that should be continued along Lower Broadway. Currently, the proposed 45' buildings for the Westin that face directly onto Lower Broadway do not create the same rhythm and repetition with their windows as what historically exists along Lower Broadway. Upper story windows on Broadway buildings historically have a vertical emphasis with a typical upper-story window being twice as tall as it is wide. Upper-story windows in new construction should relate to the window proportions seen historically. For example, upper story windows

do not typically exceed 6 feet in height and 3 feet in width.

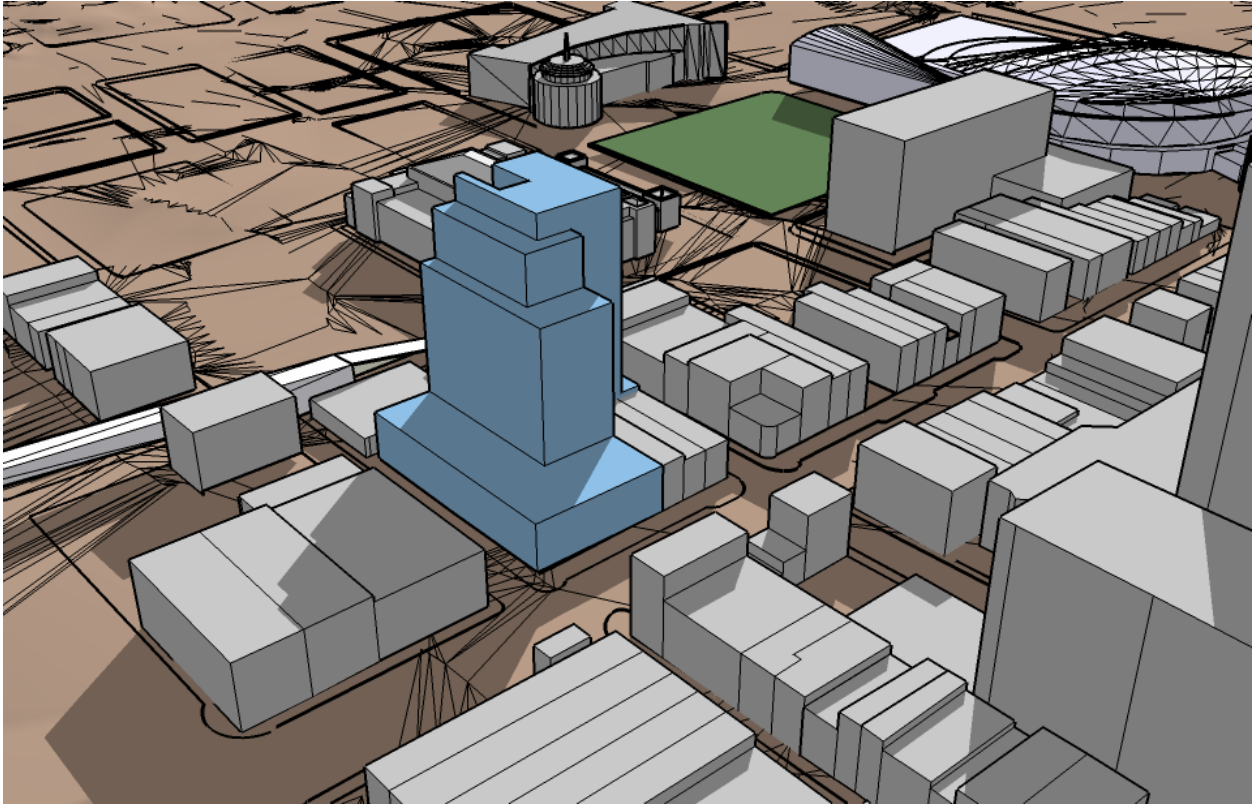


Upper Story Window Proportions

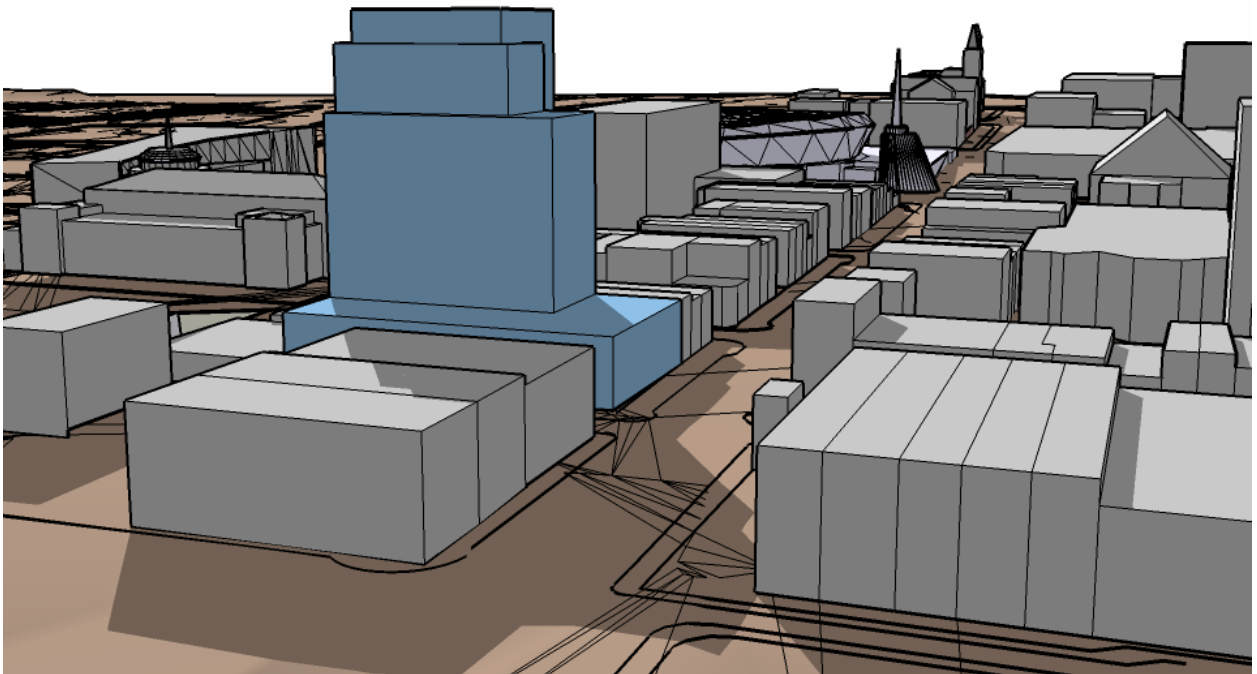
Windows should align with others in a block similarly to the historic structures along Lower Broadway. Windows, lintels, and window trim elements should align with the historic buildings on the block, and the current Westin submittal does not. The current Westin submittal has translucent panels and glass curtain walls and these are not window configurations or materials historically seen along Lower Broadway.

The repetition of recessed building entries occurring along the street in the Lower Broadway historic district provides a rhythm of shadows along the street, which helps establish a sense of scale and invites pedestrians to enter buildings. This trend should be continued in the Westin's new construction and building entrances from Broadway should appear similar to those used historically. The Lower Broadway Historic District should continue to develop as a pedestrian-oriented environment of ground floor storefronts. Buildings should relate to pedestrians by using materials and a human scale compatible with local historic patterns.

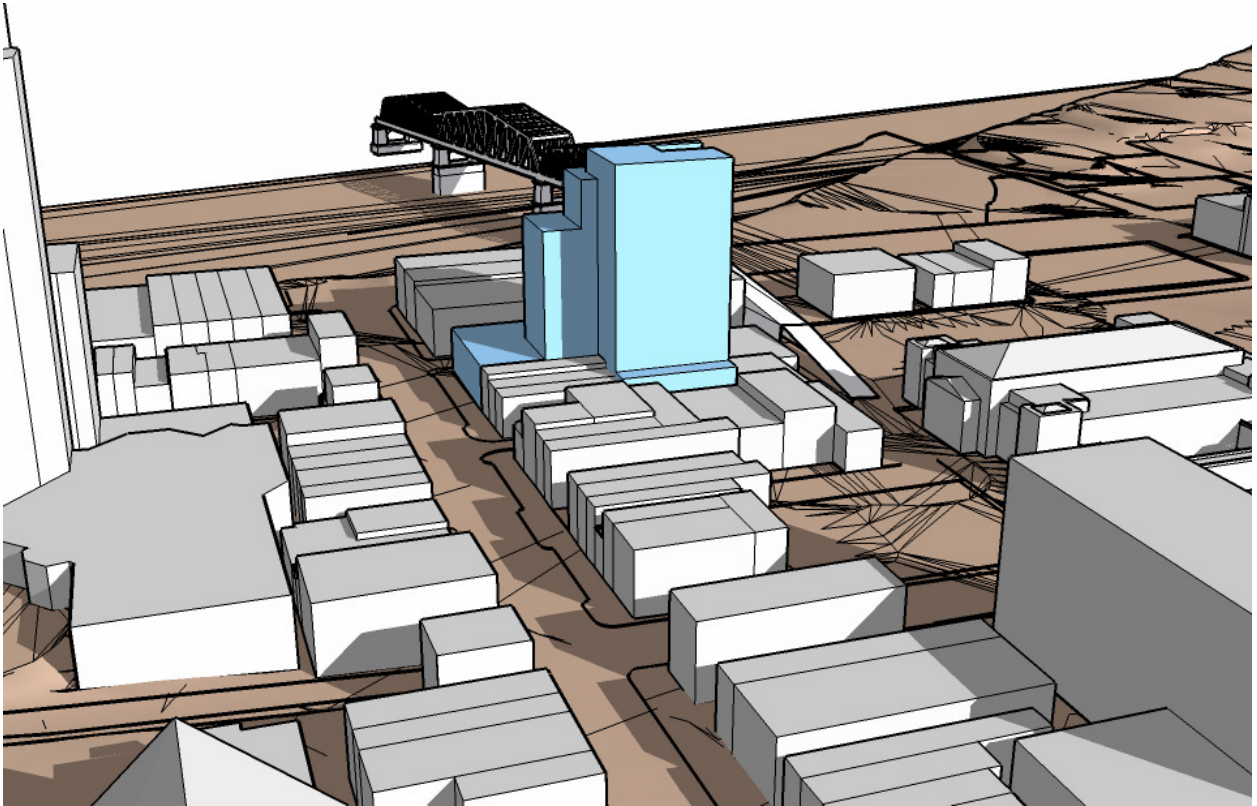




Proposed Westin project looking down Lower Broadway



Proposed Westin project looking West up Lower Broadway



Proposed Westin project looking East down Lower Broadway

**Design Guidelines** - Staff evaluated the proposal against the MDHA and Metro Historical Commission adopted guidelines found in *A Market and Design Study for the Broadway National Register Historic District* and found many areas in which the design was not consistent with the guidelines:

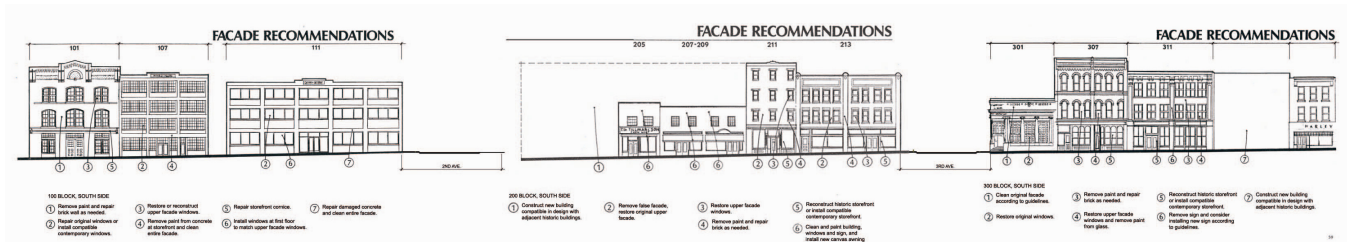
Masonry cladding should be consistent with masonry materials found in the district. Brick is the most common masonry material used in the district. The proposed terracotta tile curtain wall system material is not compatible with the lower Broadway historic district.

A bulkhead (or kickplate) is a key defining architectural feature on most commercial buildings and should be added to be consistent with the district. The proposed storefronts need bulkheads (kickplates). Additionally, the glass guardrails shown at the balconies are not consistent with historic architectural precedents.

Like the existing historic structures, upper story windows should align with others in a block. Upper story windows should have a vertical emphasis. The upper story windows on the tower are almost square. The glass curtain wall system is not consistent with historic architectural precedents.

Signage should relate to the design of the façade. A common characteristic of signs in this area is that they “fit into” their façade. The Westin has proposed an identification sign that sits on top on the 19-story tower and is not consistent with historic architectural precedents of Broadway.





Lower Broadway Elevation Study from  
*A Market and Design Study for the Broadway National Register Historic District*  
 (the center block on the elevation is the Westin Property)  
 See larger version for details

### HISTORIC COMMISSION STAFF RECOMMENDATION

The Historical Commission recommends disapproval based on 1) inconsistency with guidelines, 2) the negative impact on historic buildings within the Broadway National Register Historic District and 3) the precedent of incompatibly-scaled development this would set.

**Impact on Historic Fabric-** The developers will demolish three historic buildings eligible for the National Register. One of those, Richards and Richards Storage, is a building type so endangered that the State Historic Preservation Office says it may be individually eligible for the Register.

The developers promise preservation of three storefronts on Broadway. Their plan calls for removing the inappropriate changes made to the Broadway facades. But the 19-story rear addition, the 13-story addition to the east side of the historic structure, and changes to the Third Avenue elevation will mean that those buildings no longer meet National Register criteria as contributing buildings.

That block will be removed from the National Register because it will no longer contain any historic buildings. This will be the first reduction in size of any National Register district in the city. And it sets a dangerous precedent. If this is allowed, on what basis can other large-scaled development be denied?

Note: The developers say that the National Register listing will be affected only if someone initiates de-listing. This is a highly visible project; the changes will be evident. To preserve the integrity of the National Register, the State Historic Preservation Office reviews National Register listings regularly and de-lists those that no longer meet criteria.

**PUBLIC WORKS RECOMMENDATION** - Following are review comments for the submitted Westin Hotel & Condominiums (2006SP-183U-09), received October 2, 2006. Public Works' comments are as follows:

- (1) Per the recommendations of the traffic access study, development shall provide 67 offsite parking spaces to meet the projected parking demand of 254 spaces.
- (2) Any changes to on-street parking, loading zones, or valet parking will require action by the Metropolitan Traffic and Parking Commission.
- (3) All Public Works' design standards shall be met prior to any final approvals and permit issuance. Final design and improvements may vary based on field conditions.

### Typical Uses in Existing Zoning District: CF

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	1.23	2.578	138,126	1,711	243	234



**Maximum Uses in Existing Zoning District: CF**

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	1.23	5.0	267,894	2,850	413	379

**Typical Uses in Proposed Zoning District: SP**

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Hotel (310)	1.23	N/A	450 rooms	4,014	322	325

**Typical Uses in Proposed Zoning District: SP**

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/townhome (232)	1.23	N/A	75	507	51	41

**Change in Traffic Between Typical Uses in Existing and Proposed Zoning District**

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+20	2,810	-40	-13

**STORMWATER RECOMMENDATION - Preliminary SP Returned for Corrections:**

Provide the following:

- Adequate Water Quality Concept. A Green Roof is ideal for this situation. However, a Green Roof is not an approved method for water quality. Add note stating that the green roof will only be utilized with a Variance from the Stormwater Committee or provide an approved method of treatment.

Note: If a Variance is not received or is denied, a major layout change may occur.

**METRO SCHOOL BOARD REPORT**

**Projected student generation\*    11 Elementary    9 Middle    8 High**

**Schools Over/Under Capacity** - Students would attend Eakin Elementary School, West End Middle School, and Hillsboro High School. Hillsboro High School has been identified as not having capacity, however there is capacity available at a high school in an adjacent cluster. This information is based upon data from the school board last updated August 2006.

**CONDITIONS (if approved):**

1. The plans presented with this application (dated October 16) if approved by the Planning Commission and Metro Council will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metro Council.
2. In order to achieve more sustainable design, this development is required to achieve 26 points per Leadership in Environmental and Energy Design (LEED) which is a Basic certification.

Certification must be achieved before the Use and Occupancy Permit can be issued.

3. All Public Works conditions shall be bonded and/or completed as required by the Department of Public Works, as listed above.
4. All Stormwater comments shall be addressed prior to the submittal of the final site plan.
5. Any development requirements that are not specifically addressed in this application will follow the Metro Zoning Ordinance for the Core Frame district.
6. This approval does not include any signs. Business accessory or development signs must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
7. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
8. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Section of the Metropolitan Department of Public Works for all improvements within public rights of way.
9. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
10. This approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission. The revised plans must be received within 60 days of Metro Council's final approval.

Ms. Withers and Ms. Kahnle presented the proposal and stated that staff is recommending disapproval.

Mr. Brandon Rains, The Barber Group, spoke in favor of the proposal.

Ms. Wesley Payne, 1200 Gartland Avenue, spoke in opposition to the proposal.

Mr. Michael Coolidge, Sage Hospitality Resources, spoke in favor of the proposal.

Mr. Ken Geist, 1512 Larimer Street, Denver, CO, spoke in favor of the proposal.

Mr. Jim Johnson, 730 17<sup>th</sup> Street, Denver, CO spoke in favor of the proposal.

Mr. Grace Walker, 4301 Hillsboro Pike, spoke in favor to the proposal.

Ms. Ann Toplovic, 2715 Westwood Avenue, spoke in opposition to the proposal.

Mr. Jim Huebler, 930 Russell Street, spoke in opposition to the proposal.

Ms. Birdell Campbell spoke in opposition to the proposal.

Mr. Reavis Mitchell, 516 Highland View Drive, spoke in opposition to the proposal.

Mr. George Gruhn, 915 Old Lebanon Dirt Road, spoke in favor of the proposal.

Ms. Elizabeth Holland, 305 Church Street, spoke in opposition to the proposal.

Ms. Claudette Stager, 920 Woodmont, spoke in opposition to the proposal.

Ms. Casey Lowe, 3010 Richland Avenue, spoke in favor to the proposal.

Mr. Nick Bailey, 4700 Elkins Avenue, spoke in opposition to the proposal.

Ms. Jane Hardy spoke in opposition of the proposal.

Councilmember Summers spoke in opposition to the proposal. He mentioned that the proposal does not meet requirements and should not be approved for this area.

Mr. Tom Turner, Nashville Downtown Partnership, spoke in favor of the proposal.

Mr. James Weaver, 212 Deer Park Circle, spoke in favor of the proposal.

Mr. Charles Robin spoke in favor of the proposal.

Ms. Ann Roberts, Historical Commission, spoke in opposition to the proposal.

Mr. Loring spoke in favor of the proposal. He gave a brief history of the buildings located in this area and stated the proposal would be an enhancement to the area, both aesthetically as well as economically.

Ms. Jones requested clarification on the requested zone change in relation to the existing zoning for this area.

Mr. Bernhardt explained this concept to the Commission.

Ms. Jones stated she was in favor of economic development however she expressed issues with whether the project would enhance the area. She offered that the project may need additional work to resolve some of the issues with the community.

Mr. Ponder suggested the developer comply with the general looks of existing buildings on lower Broadway in an attempt to maintain the historic look. He suggested the proposed height of the building be reduced by nine percent. He also stated that additional work should be completed on the proposal to address outstanding issues.

Ms. Nielson spoke of the importance of the developmental guidelines established to preserve this area. She stated she was not in favor of approving the project as it is currently being proposed.

Mr. McLean spoke on the issue of building height in relation to other large buildings located in the downtown area. He spoke also on the condition that Council would assist with the building design.

Mr. Clifton spoke in favor of preserving protected properties in Nashville. He spoke of the analysis completed by staff on the proposal. He spoke of the coexistence between business and residential communities. Mr. Clifton requested additional information on other proposals that have been approved for this area.

Mr. Bernhardt explained other proposals slated for this area as well as surrounding areas.

Mr. Clifton mentioned he would not be in favor of approving as submitted, but if it were necessary to move the proposal on to Council, the Commission would need to add additional conditions.

Ms. Cummings spoke of the favorable economic impact the proposal would be providing to the City of

Nashville. She also spoke in favor of mixed-use developments being located downtown. She did however express concerns with the building height as well as the façade of the building.

Mr. Tyler stated that the proposal should respect the historic nature of the area. He was particularly concerned with the façade as well as the scale of the building. He agreed the development was good, but stated it needed additional work

Ms. Beehan spoke of the complexities of the proposal. She stated she was concerned with proposing variation and how it would impact the nature of this particular area. She suggested modifications be made to the proposal to accomplish economic development while maintaining the necessary nature of this area.

Mr. Lawson spoke on the merit of the proposal and how it could combine new economic development as well as preserve the historic value located in this area. He stated that this proposal as well as other proposals slated for the downtown area will not alter the soul of the downtown area as it has been established. He spoke of his respect for the historic commission as well as the importance of economic development for Nashville. He stated he was in favor of moving the proposal forward so that Councilmember Jameson could either achieve or not, his objectives for this development.

Mr. Loring moved, and Mr. McLean seconded the motion to approve Zone Change 2006SP-183U-09, with the condition that Councilmember Jameson continues to work with the developers resulting in an asset to the Metropolitan Government as well as Nashville and Davidson County.

Mr. McLean added that additional conditions or recommendations be included in the motion.

Ms. Nielson added that the proposal be referred back to the Commission prior to final approval.

Mr. Lawson requested clarification on the motion and whether the plan would have to receive additional consent from the Planning Commission if it were altered.

Mr. Bernhardt explained that the motion would approve all information and submittals relating to the proposal (submittals dated Sept. 28, 2006, and supplemented by information received on Oct. 17, 2006) which is consistent with the applicant's current request.

Ms. Cummings suggested an additional condition be added to address the façade of the building in that the façade should match the existing colors and textures of surrounding buildings for this neighborhood.

Mr. Bernhardt offered that the motion could include the condition that the façade elevations along the property line adjacent to Broadway, Second Avenue or Third Avenue, (the three-story frontage on Broadway, Second and Third Avenue) shall be redesigned to be in compliance with the requirements of a Market and Design Study for Broadway Nashville Historic District Register and any applicable MDHA design guidelines and shall be approved by MDHA and the Metro Historical Commission prior to approval of final site plan by the Planning Commission.

Mr. Clifton spoke of the issues which have been raised by the Historical Commission as well as MDHA.

Mr. Lawson requested additional clarification regarding the language used in the motion and the intentions of the Commission.

Mr. Bernhardt explained that if the Commission were to provide recommendations, to be included in the ordinances, they would be considered conditions and/or requirements. He further explained that MDHA currently has required the applicant to return with revised elevations for the proposal. He further stated that if Council would adopt an ordinance with specific elevations or specific requirements, and if there were a different agreement, it would require Council to resolve the differences.

Mr. Clifton mentioned that the block this project is being proposed for is not included on the Broadway Nashville Historic District Register.

Mr. Bernhardt explained that it is in a redevelopment district that has adopted the guidelines as requirements.

Mr. Clifton suggested adding a condition that would address building entryways to include being recessed as well as looking historical in nature. He also mentioned a condition that would preserve the building through the future in accordance to the Historic Preservation standards.

Mr. Ponder suggested plan alterations to lower the height of the proposal.

Ms. Jones mentioned a condition included in the proposal that addressed affordable housing and its expiration after five years. She offered that the condition could have been written according to the Federal Guidelines and that the Commission could possibly alter it and gave explanations for the alteration.

Mr. Bernhardt explained that this requirement was written under a tax law and that the Commission could establish a requirement to lengthen this requirement.

There was discussion regarding this condition and it was agreed upon by the Commission to recommend that Council further investigate and address the issue regarding the affordable housing units included in the proposal.

Mr. McLean questioned whether the condition Councilmember Jameson requested of the Commission was included as part of the motion thus far.

Mr. Bernhardt explained that Councilmember Jameson requested the Commission include a condition that states that prior to approval of a final site plan, that a historic zoning overlay district be established to include the properties along Broadway between First and Fifth Avenues.

The Commission asked that Councilmember Jameson clarify his request.

Councilmember Jameson stated that in order to prevent a domino effect for this area, which is a concern of the Metro Historic Commission, that the Historic Overlay be in place prior to the development of the proposed hotel.

Mr. Clifton questioned whether the Historic Overlay be adopted prior to adopting the bill that would move forward on the Westin Hotel.

Mr. Bernhardt offered that he suggested the Overlay be adopted prior to the final site plan for the Westin.

Mr. Clifton then spoke of the condition that would address the "green roof" for the building.

Mr. Bernhardt explained that the green roof is in the application, but what is not in the application, is the requirement that the building achieve LEED certification. He suggested the condition to state that in order to achieve a more sustainable design, the development is required to provide a LEED design green roof utilizing best development practices as certified by an appropriate professional experience in the provisions of green roofs, said green roof shall cover a minimum of 15,900 square feet and certification must be achieved prior to use and occupancy permit which may count to their overall LEED certification requirements.

Mr. Clifton requested the condition Mr. Bernhardt's just recited be included in the conditions. He then requested additional information regarding building certifications and when they are applicable.

Ms. Nielson offered information regarding this Mr. Clifton's question.

Ms. Cummings questioned the sign included in the proposal.

Mr. Bernhardt explained that staff's recommendation does not include approval of any signs and that all signage would have to follow the requirements of the design study and applicable MDHA design guidelines.

Ms. Cummings requested the condition just mentioned regarding signs be included in the motion for Council.

Mr. Ponder questioned whether the building height could be specified as a condition.

Mr. Lawson offered that the issue regarding height should be addressed by Councilmember Jameson and MDHA.

Ms. Nielson spoke of the issue of setting a precedent on the extension of the downtown area.

Mr. Bernhardt requested clarification on whether the motion would include the requirements made by Metro Public Works, Metro Stormwater as well as by the Metro Fire Department.

The Commission agreed this condition as well should be included.

Mr. Loring accepted all of the amended conditions for his motion.

Mr. Loring moved, and Mr. McLean seconded the motion to approve Zone Change 2006SP-183U-09, with the condition that Councilmember Jameson work with the developers resulting in an project that would be an asset to the Metropolitan Government as well as Nashville and Davidson County. The following conditions were also added as a result of the Commission's discussion.

1. There shall be a maximum of 375 hotel rooms and 48 residential condominiums
2. The project must achieve and maintain Leadership in Environmental and Energy Design (LEED) certification. A green roof shall be a component of the LEED certification.
3. Façade elevations along the property line adjacent to Broadway, 2nd Avenue and 3<sup>rd</sup> Avenue shall be redesigned to be in compliance with the requirements of A Market and Design Study for the Broadway National Register Historic District and any applicable MDHA design guidelines and shall be approved by the MDHA Design Review Committee and the Metro Historical Commission prior to approval of the final site plan and issuance of any building permits. In particular, the redesign shall utilize the proportions and rhythm of the window and door openings of existing buildings along Broadway.
4. Prior to issuance of a building permit for any exterior renovation or alteration to the building at 217 and 221 Broadway currently within the Broadway National Register Historic District the application shall be approved by the Historical Commission. All work shall be in accordance with the requirements of A Market and Design Study for the Broadway National Register Historic District as well as the Secretary of the Interior's Standards for Rehabilitation regardless of whether the building remains within the Broadway National Register Historic District or not.
5. All signage shall follow the requirements of A Market and Design Study for the Broadway National Register Historic District; any applicable MDHA design guidelines; and the allowable signage of the Core Frame zoning district (whichever is more restrictive).
6. Consider reducing the height of the building
7. A historic preservation overlay district shall be established to include properties along Broadway between 1st Avenue and 5th Avenue and additional adjacent properties included in, or determined eligible for inclusion in, the Broadway National Register District.



8. All requirements as outlined Metro Public Works, Metro Stormwater as well as by the Metro Fire Department are followed.

This motion was approved. **(8-2) No Votes – Tyler, Nielson**

**Resolution No. RS2006-369**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 2006SP-183U-09 is **APPROVED WITH CONDITIONS, including the following (8-2):**

**Conditions of Approval:**

1. There shall be a maximum of 375 hotel rooms and 48 residential condominiums
2. The project must achieve and maintain Leadership in Environmental and Energy Design (LEED) certification. A green roof shall be a component of the LEED certification.
3. Façade elevations along the property line adjacent to Broadway, 2nd Avenue and 3<sup>rd</sup> Avenue shall be redesigned to be in compliance with the requirements of A Market and Design Study for the Broadway National Register Historic District and any applicable MDHA design guidelines and shall be approved by the MDHA Design Review Committee and the Metro Historical Commission prior to approval of the final site plan and issuance of any building permits. In particular, the redesign shall utilize the proportions and rhythm of the window and door openings of existing buildings along Broadway.
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8. All requirements as outlined Metro Public Works, Metro Stormwater as well as by the Metro Fire Department are followed.

**With modifications done to the facade along Broadway, the proposed SP district is consistent with the Subarea 9 Community Plan's Central Business District, which is intended for higher intensity developments with a variety of activities in the central core.”**